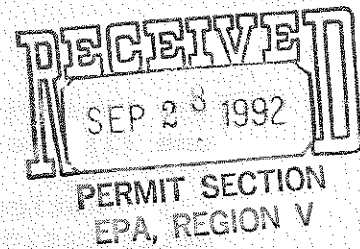


TITLE 327 WATER POLLUTION CONTROL
BOARD

LSA Document #92-62(F)
DIGEST



Adds 327 IAC 15 concerning the NPDES general permit rule program. Effective 30 days after filing with the secretary of state.

NOTE: Under IC 4-22-2-29(a)(2), LSA Document No. 92-63, printed at 15 IR 1246, and LSA Document No. 92-64, printed at 15 IR 1249, were consolidated with this document.

327 IAC 15

SECTION 1. 327 IAC 15 IS ADDED TO READ AS FOLLOWS:

ARTICLE 15. NPDES GENERAL PERMIT RULE PROGRAM

Rule 1. General Provisions

327 IAC 15-1-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this article is to establish NPDES general permit rules for certain classes or categories of point source discharges by prescribing the policies, procedures, and technical criteria to operate and discharge under the requirements of a NPDES general permit rule. Compliance with all requirements of applicable general permit rules may obviate the need for an individual NPDES permit issued under 327 IAC 5. A facility can operate under an individual NPDES permit and one (1) or more applicable general permit rules. (Water Pollution Control Board; 327 IAC 15-1-1)

327 IAC 15-1-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 1, and 327 IAC 5, as amended, the following definitions apply throughout this article:

(1) "Existing discharge" means any point source discharge of process or storm water which occurs either continuously or intermittently from a property at the time coverage under an individual NPDES permit is being sought.

(2) "General permit rule boundary" means an area based upon existing geographic or political boundaries indicating the area within which a facility affected by this article is located.

(3) "Individual NPDES permit" means a NPDES permit issued to one (1) facility which contains requirements specific to that facility.

(4) "Notice of intent letter" or "NOI" means a written notification indicating a person's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES permit and includes information as required under 327 IAC 15-3 and the applicable general permit rule.

(5) "Storm water" means water resulting from rain, melting or melted snow, hail, or sleet.

(Water Pollution Control Board; 327 IAC 15-1-2)

327 IAC 15-1-3 Department request for data

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 3. (a) Any person, as defined at IC 13-7-1-17, subject to this article shall:

(1) establish and maintain such records;

(2) make such reports;

(3) install, use, and maintain such monitoring equipment or methods (including, where appropriate, biomonitoring methods);

(4) sample such effluents, internal wastestreams where appropriate, or other material; and

(5) provide such other data, including, but not limited to, raw materials, catalysts, intermediate products, byproducts, production rates, and related process information;

at such locations, at such times, and in such a manner, as the commissioner may reasonably prescribe.

(b) Sampling of internal wastestreams under subsection (a) (4) and the provisions of data under subsection (a) (5) shall not be required by the commissioner unless:

(1) such data are reasonably expected to facilitate the identification or quantification of pollutants which may be released to the environment from facilities operated by the person to whom the request is made, and the identification or quantification of such pollutants could not reasonably be made by the commissioner in the absence of the requested information; or

(2) such data are necessary to properly control wastewater treatment processes.

(Water Pollution Control Board; 327 IAC 15-1-3)

327 IAC 15-1-4 Enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 4. This article shall be enforced through the provisions of IC 13-7-10-5, IC 13-7-11, or IC 13-7-12, or any combination thereof, as appropriate. Penalties for violation of this article

shall be governed by IC 13-7-13. (Water Pollution Control Board; 327 IAC 15-1-4)

Rule 2. Basic NPDES General Permit Rule Requirements

327 IAC 15-2-1 Purpose and scope

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. This rule defines the basic programmatic requirements of the general permit rule program to be administered by the commissioner consistent with NPDES requirements under the Federal Act, as defined at IC 13-1-4-1, IC 13-7-1-10, and 327 IAC 5. (Water Pollution Control Board; 327 IAC 15-2-1)

327 IAC 15-2-2 NPDES general permit rule requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. (a) The commissioner may regulate the following discharges under NPDES general permit rules:

(1) Point source discharges of storm water associated with industrial activity as defined in 40 CFR 122.26(b)(14) as published in the Federal Register on November 16, 1990.

(2) Such other categories of point sources operating within the state that:

(A) involve the same or substantially similar types of operations;

(B) discharge the same types of wastes;

(C) require the same effluent limitations or operating conditions; and

(D) require the same or similar monitoring requirements.

(b) The commissioner may determine that an individual permit must be obtained under section 9 of this rule. Any person to whom this article applies may avoid compliance with this article by obtaining an individual NPDES permit.

(c) Each general permit rule shall be applicable to persons meeting the criteria of subsection (a) existing within specific boundaries designated by the commissioner in accordance with the following:

(1) A general permit rule boundary shall correspond with existing geographic or political boundaries such as:

(A) designated planning areas under the Federal Act;

(B) regional sewer districts or sewer authorities;

(C) city, county, or state political boundaries;

(D) state highway systems;

(E) standard metropolitan statistical areas;

(F) urbanized areas as defined by the Bureau of Census according to the criteria in 39 FR 15202 (May 1, 1974);

or

- (G) any other appropriate divisions or combinations of the boundaries in this subdivision which will encompass the sources subject to the general permit rule.
- (2) Any designation of any general permit rule boundary is subject to reclassification by the commissioner:
- (A) upon revision of a general permit rule;
 - (B) if individual NPDES permits have been issued to all persons in a category of point sources; or
 - (C) as necessary to address water quality problems effectively.

(Water Pollution Control Board; 327 IAC 15-2-2)

327 IAC 15-2-3 NPDES general permit rule applicability requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 3. (a) A general permit rule may regulate all designated categories of point sources for which a general permit rule exists, except:

- (1) as provided under section 6 or 9 of this rule or the applicable general permit rule; and
- (2) point source discharges meeting the applicability requirements of a general permit rule, who are already subject to individual NPDES permits prior to the effective date of a general permit rule.

(b) Persons excluded from general permit rule regulation solely because they have an existing individual NPDES permit may request to be regulated under a general permit rule and may request that the individual NPDES permit be revoked or modified to remove the point source from the existing permit. Upon revocation or expiration of the individual NPDES permit the general permit rule shall apply to such point source discharges regulated under this article.

(c) A person that holds an individual NPDES permit may have discharges regulated under an applicable general permit rule if such discharges are not addressed in the individual permit. (Water Pollution Control Board; 327 IAC 15-2-3)

327 IAC 15-2-4 Administrative requirements for NPDES general permit rules

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. A general permit rule is a permit-by-rule. Therefore, the statutory requirements for administrative agency rulemaking must be satisfied in the development of a general permit rule. (Water Pollution Control Board; 327 IAC 15-2-4)

327 IAC 15-2-5 Notice of intent letter

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) Any person subject to the requirements of this article shall submit a NOI letter that complies with this section, 327 IAC 15-3, and the additional requirements in any applicable general permit rule.

(b) A NOI letter shall be submitted to the commissioner by the time specified under 327 IAC 15-3 or the time indicated in the applicable general permit rule.

(c) The person responsible for the operation of the facility from which a point source discharge of pollutants and/or storm water occurs must submit a NOI letter. (Water Pollution Control Board; 327 IAC 15-2-5)

327 IAC 15-2-6 Exclusions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. The following discharges must be permitted by an individual NPDES permit issued under 327 IAC 5:

- (1) A discharge to a receiving stream identified as an outstanding state resource water as defined under 327 IAC 2-1-2(3) or which would lower the water quality of an outstanding state resource water downstream of the point source discharge.
- (2) A discharge to a receiving stream identified as an exceptional use resource water as defined under 327 IAC 2-1-11(b) or which would lower the water quality of an exceptional use resource water downstream of the point source discharge.

(Water Pollution Control Board; 327 IAC 15-2-6)

327 IAC 15-2-7 Effect of general permit rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) Compliance with a general permit rule constitutes compliance with all applicable standards and limitations of the Federal Act and state law.

(b) Compliance with an applicable general permit rule does not:

- (1) convey any property rights of any sort or any exclusive privileges;
- (2) authorize any injury to persons or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or
- (3) preempt any duty to obtain state or local assent required by law for the discharge or for construction or operation of the facility from which the discharge is made.

(Water Pollution Control Board; 327 IAC 15-2-7)

327 IAC 15-2-8 Non-transferability of notification
 requirements; Time limits for individual NPDES
 permit application

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 4-22-2; IC 13-1-3; IC 13-7

Sec. 8. (a) Compliance with the NOI letter submission requirements under this article may not be transferred. If ownership/operation of a facility is transferred to a new person, that person must submit a NOI letter pursuant to 327 IAC 15-3 or seek coverage under an individual NPDES permit pursuant to 327 IAC 5.

(b) A person who filed a NOI letter under this article and who subsequently was requested by the commissioner to file an application for an individual NPDES permit has one hundred twenty (120) days from the time of the request by the commissioner to file the application. (Water Pollution Control Board; 327 IAC 15-2-8)

327 IAC 15-2-9 Special requirements for NPDES general permit rule
Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) If a general permit rule is amended, all persons regulated by the affected general permit rule must be notified by first class mail of the amendment by the commissioner within sixty (60) days after the effective date of the amended rule. Those persons notified by the commissioner under this subsection shall:

- (1) apply for an individual NPDES permit under 327 IAC 5-3 within one hundred twenty (120) days after the effective date of the amended rule; or
- (2) submit a NOI letter containing the information required in 327 IAC 15-3-2 and the amended rule within ninety (90) days after the effective date of the amended rule.

(b) The commissioner may require any person subject to the requirements of this article to apply for and obtain an individual NPDES permit if one (1) of the six (6) cases listed in this subsection occurs. Interested persons may petition the commissioner to take action under this subsection. Cases where individual NPDES permits may be required include the following:

- (1) The discharge is determined to be a significant contributor of pollution.
- (2) The person is not in compliance with the terms and conditions of the general permit rule.
- (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source.
- (4) Effluent limitations guidelines that are more stringent

than the requirements in the general permit rule are subsequently promulgated for point sources regulated by the general permit rule.

(5) A water quality management plan containing more stringent requirements applicable to such point source is approved.

(6) Circumstances have changed since the activity regulated under this article began so that the discharger is no longer appropriately controlled under the general permit rule, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.

(c) If under subsection (b), the commissioner requires an individual NPDES permit pursuant to 327 IAC 5-3, the commissioner shall notify the person in writing that an individual NPDES permit application is required. This notice shall be issued pursuant to IC 4-21.5 and shall also include the following:

(1) A brief statement of the reasons for this decision.

(2) An application form.

(3) A statement setting a time for the person to file the application.

(4) A statement that on the effective date of the individual NPDES permit, the general permit rule, as it applies to the individual person, shall no longer apply.

The commissioner may grant additional time upon request of the applicant for completion of the application.

(d) An operator, as defined in 327 IAC 15-5-4(7), of a storm water discharge that meets the applicability requirements of the general permit rule and is not covered by an existing individual NPDES permit, must submit an application under 40 CFR 122.26 as published in the Federal Register on November 16, 1990, and 327 IAC 5-3 if the operator seeks to cover the discharge under an individual permit.

(e) On the effective date of an individual NPDES permit that is issued to a person regulated under this article, this article no longer applies to that person.

(f) Persons with a discharge meeting all the applicability criteria of more than one (1) general permit rule shall comply with all applicable general permit rules. (Water Pollution Control Board; 327 IAC 15-2-9)

327 IAC 15-2-10 Prohibitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 10. No general permit rule shall be promulgated and issued where the terms and conditions of the permit rule do not comply with the applicable guidelines and requirements of the Federal Act or effective regulations promulgated under the Federal Act, 327 IAC 2, 327 IAC 5, or this article. (Water Pollution Control Board; 327 IAC 15-2-10)

Rule 3. NOI Letter Requirements

327 IAC 15-3-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to establish the requirements and procedures for submitting a NOI letter under a general permit rule. The NOI letter shall be sent to the following address:

Indiana Department of Environmental Management
Office of Water Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206
Attention: Permits Section, General Permit Desk
(Water Pollution Control Board; 327 IAC 15-3-1)

327 IAC 15-3-2 Content requirements of a NOI letter

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. The NOI letter shall include the following:

- (1) Name, mailing address, and location of the facility for which the notification is submitted.
- (2) Standard Industrial Classification (SIC) codes, as defined in 327 IAC 5, up to four (4) digits, that best represent the principal products or activities provided by the facility.
- (3) The person's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity.
- (4) The latitude and longitude of the approximate center of the facility to the nearest fifteen (15) seconds, or the nearest quarter section (if the section, township, and range are provided) in which the facility is located.
- (5) The name of receiving water, or, if the discharge is to a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water.
- (6) A description of how the facility complies with the applicability requirements of the general permit rule.
- (7) Any additional NOI letter information required by the applicable general permit rule.
- (8) The NOI letter must be signed by a person meeting the signatory requirements in 327 IAC 15-4-3(g).

(Water Pollution Control Board; 327 IAC 15-3-2)

327 IAC 15-3-3 Deadline for submittal of a NOI letter; additional requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 3. (a) Any person proposing a new discharge that will be subject to a general permit rule, except for construction activity under 327 IAC 15-5, shall submit a NOI letter and additional information as required by the applicable general permit rule at least one hundred eighty (180) days before the date on which the discharge is to commence, unless permission for a later date has been granted by the commissioner or is established in the applicable general permit rule. A construction activity NOI letter shall be submitted in accordance with 327 IAC 15-5-6.

(b) Any person operating under a general permit rule with an existing discharge shall submit a NOI letter within ninety (90) days of the effective date of the applicable general permit rule, unless permission for a later date has been granted by the commissioner or is established in the applicable general permit rule. (Water Pollution Control Board; 327 IAC 15-3-3)

327 IAC 15-3-4 Procedures for exemption from an individual NPDES permit

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 4. Except as provided for in the applicable general permit rule, the following apply:

(1) A person with an existing NPDES permit will be exempt from the requirement of that permit when he submits the applicable NOI letter and complies with all other applicable requirements of this article.

(2) A person with a new facility to which this article applies must comply with all applicable requirements of this article including the submittal of the appropriate NOI letter.

(Water Pollution Control Board; 327 IAC 15-3-4)

Rule 4. Standard Conditions for NPDES General Permit Rules

327 IAC 15-4-1 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-1-6; IC 13-7

Sec. 1. (a) The conditions in this section apply to all NPDES general permit rules.

(b) Any violation of this article constitutes a violation of the Federal Act and the Indiana Environmental Management Act and is grounds for enforcement action and/or requirement to obtain an individual NPDES permit.

(c) Under the Indiana Environmental Management Act at IC 13-7-13-3, any person who violates "any rule or standard adopted by one (1) of the boards" is subject to a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of such violation.

Any person who willfully or negligently violates "any rule or standard adopted by one (1) of the boards" is subject to a fine of not less than two thousand five hundred dollars (\$2,500) nor more than twenty-five thousand dollars (\$25,000) per day of violation, or by imprisonment for not more than one (1) year, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be a fine of not more than fifty thousand dollars (\$50,000) per day of violation, or by imprisonment for not more than two (2) years, or both. Except as provided in applicable general permit rule conditions on bypassing under section 2(c) of this rule, and upsets under section 2(d) of this rule, nothing in this article shall be construed to relieve persons in violation of it from civil or criminal penalties for noncompliance.

(d) Persons in violation of this article shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from their noncompliance.

(e) Persons regulated by this article shall furnish to the commissioner, within a reasonable time, any information which the commissioner may request to determine whether cause exists for revoking and reapproving or terminating the approval to discharge under this article or to determine compliance with this article. Those persons shall also furnish to the commissioner, upon request, copies of records required to be kept by this article.

(f) Notwithstanding the provisions of 327 IAC 15-2-9, if a toxic effluent standard, prohibition, or sediment, wet weather, or biological criteria (including any schedule of compliance specified in such effluent standard or prohibition) is established under the Federal Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in an applicable general permit rule, the rule shall be modified to conform to the toxic effluent standard or prohibition. The person shall comply with effluent standards or prohibitions established under the Federal Act for toxic pollutants injurious to human health within the time provided in the regulations that establish those standards or prohibitions, even if the rule has not yet been modified to incorporate the requirement.

(g) When cyanide or cyanogen compounds are used in any of the processes at a facility regulated under this article, the person responsible for that facility shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements under 327 IAC 2-2-1.

(h) Persons regulated by this article shall have all wastewater treatment facilities, if any, under the direct supervision of an operator certified by the commissioner as required under IC 13-1-6 and 327 IAC 8-12.

(i) Nothing in this article shall be construed to relieve anyone from any responsibility, liability, or penalty to which they are or may be subject to under the Federal Act.

(j) The applicability of this article does not convey any property rights of any sort or any exclusive privileges.

(k) The provisions of this article are severable and, if any provision of this article or the application of any provision of this article to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this article shall not be affected thereby.

(l) Persons regulated by this article shall allow the commissioner, or an authorized representative, (including an authorized contractor or representative of another governmental agency acting as a representative on behalf of the commissioner), at reasonable times, and in a manner to minimize disruption of the business, upon the presentation of credentials and such other documents as may be required by law, to:

(1) enter upon the premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this article;

(2) have access to and copy, at reasonable times, any records that must be kept under the conditions of this article;

(3) inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this article; and

(4) sample or monitor, at reasonable times, for the purposes of assuring compliance with the applicable general permit rule conditions or as otherwise authorized by the Federal Act, any substances or parameters at any location.

(m) Persons regulated by this article shall not construct, install, or modify any water pollution control facility without a valid construction permit issued by the Indiana department of environmental management under 327 IAC 3-2. (Water Pollution Control Board; 327 IAC 15-4-1)

327 IAC 15-4-2 Management requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 2. (a) Persons regulated by this article shall, at all times, maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the person and which are necessary for achieving compliance with the terms and conditions of this article.

(b) The following definitions, with regard to bypass of

treatment facilities, apply throughout this rule:

(1) "Bypass" means the intentional diversion of a wastestream from any portion of a treatment facility normally utilized for treatment of the wastestream.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production at the facility.

(c) Bypass which causes, or is likely to cause, applicable effluent limitations to be exceeded is prohibited unless the following conditions are met:

(1) Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage.

(2) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal period of equipment downtime.

(3) The person submits notice of an unanticipated bypass to the commissioner within twenty-four (24) hours of becoming aware of the bypass. (If this information is provided orally, a written submission must be provided within five (5) days.) Where the person knows, or should have known, in advance of the need for a bypass, this prior notification shall be submitted for approval to the commissioner, if possible, at least ten (10) days before the date of the bypass.

An anticipated bypass which meets the criteria under this subsection may be allowed under conditions determined to be necessary by the commissioner to minimize any adverse effects.

(d) With regard to upset conditions, as used in this rule, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with the requirements of the applicable general permit rule because of factors beyond the reasonable control of the responsible person. An upset does not include noncompliance to the extent caused by any of the following:

(1) Operational error.

(2) Improperly designed treatment facilities.

(3) Inadequate treatment facilities.

(4) Lack of preventive maintenance.

(5) Careless or improper operation.

(e) An upset shall constitute an affirmative defense to an action brought for noncompliance with such effluent limitations if the requirements under subsection (d) are met.

(f) A person regulated under this article who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other

relevant evidence, the following:

- (1) An upset occurred and the regulated person has identified the specific cause of the upset, if possible.
- (2) The facility was, at the time being operated, in compliance with proper operation and maintenance procedures.
- (3) The regulated person complied with any remedial measures required under section 1(d) of this rule.

(g) Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters and to be in compliance with all Indiana statutes and rules relative to liquid and/or solid waste disposal. (Water Pollution Control Board; 327 IAC 15-4-2)

327 IAC 15-4-3 Reporting requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7-13-3; IC 35-50-3-3

Sec. 3. (a) Any change in the information submitted in the NOI letter should be reported as soon as practicable to the commissioner. Changes which are reasonably expected to alter the characteristics of the discharge regulated under a general permit rule must be reported prior to the change. Following such notice, the commissioner may request the person to submit an application for an individual NPDES permit.

(b) Monitoring results shall be reported at the intervals and in the form specified in the appropriate general permit rule.

(c) The following are requirements for twenty-four (24) hour reporting:

(1) Persons regulated by this article shall orally report information to the office of enforcement at (317) 232-8603, on the following types of noncompliance within one (1) business day from the time the person becomes aware of such noncompliance:

(A) Any unanticipated bypass which exceeds any effluent limitation in the applicable general permit rule.

(B) Violation of a maximum daily discharge limitation for any of the pollutants listed by the commissioner in the rule to be reported within one (1) business day.

(C) Any noncompliance which may pose a significant danger to human health or the environment.

(2) A written submission shall also be provided to the office of enforcement within five (5) business days of the time the person becomes aware of the circumstances. The written submission shall contain the following:

(A) A description of the noncompliance and its cause.

(B) The period of noncompliance, including exact dates and times, and, if the noncompliance has not been

corrected, the anticipated time it is expected to continue.

(C) Steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence.

The commissioner may waive the written report on a case-by-case basis if the oral report has been received within one (1) business day.

(d) Persons regulated under this article shall report any instance of noncompliance not reported under subsection (c) at the time the pertinent discharge monitoring report is submitted. The report shall contain the information specified under subsection (c) (2).

(e) Where the person becomes aware that he failed to submit any relevant facts, or submitted incorrect information in a NOI letter, or in any report to the commissioner, the person shall promptly submit such facts or corrected information.

(f) Persons regulated under this article shall notify the commissioner as soon as they know, or have reason to believe, the following:

(1) That any activity has occurred, or will occur, which would result in the discharge of any pollutant identified as toxic, under the Federal Act which is not limited in the applicable general permit rule, if that discharge will exceed the highest of the following notification levels:

(A) One hundred (100) micrograms per liter.

(B) Two hundred (200) micrograms per liter for acrolein and acrylonitrile; five hundred (500) micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one (1) milligram per liter for antimony.

(C) A level established elsewhere in the rule by the commissioner.

(2) That it has begun, or expects to begin, to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the NOI letter.

(g) Signatory requirements shall be as follows:

(1) All reports required by this article and other information requested by the commissioner shall be signed by a person described as follows, or by a duly authorized representative of that person:

(A) For a corporation, by a responsible corporate officer. As used in this section, "responsible corporate officer" means:

(i) a president, secretary, treasurer, any vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(ii) the manager of one (1) or more manufacturing, production, or operating facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(B) For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.

(C) For a municipality, state, federal, or other public agency or political subdivision thereof, by either a principal executive officer or ranking elected official.

(2) A person is a duly authorized representative only if:

(A) the authorization is made in writing by a person described under subdivision (1);

(B) the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(C) the written authorization is submitted to the commissioner.

(3) Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(h) Except for data determined to be confidential under 327 IAC 12, all reports prepared in accordance with the terms of the applicable general permit rule shall be available for public inspection at the offices of the Indiana department of environmental management and the U.S. Environmental Protection Agency Regional Administrator. As required by the Federal Act, information contained in the NOI letter and effluent data shall not be considered confidential.

(i) The Indiana Environmental Management Act at IC 13-7-13-3(b) provides that any person who knowingly makes any false

statement, representation, or certification in any record or other document submitted or required to be maintained under the applicable general permit rule, including monitoring reports or reports of compliance or noncompliance, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than six (6) months per violation, or by both. The Federal Act, as well as IC 13-7-13-3 and IC 35-50-3-3, provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) per violation, or by imprisonment for not more than one hundred eighty (180) days per violation, or by both. (Water Pollution Control Board; 327 IAC 15-4-3)

Rule 5. Storm Water Run-off Associated with Construction Activity

327 IAC 15-5-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to reduce pollutants, principally sediment as a result of soil erosion, in storm water discharges into surface waters of the state from sites where construction activity disturbs five (5) acres or more of the site. However, in contemplation of recent Federal court decisions, persons with sites greater than one (1) acre but less than five (5) acres are invited to comply with this rule as well. (Water Pollution Control Board; 327 IAC 15-5-1)

327 IAC 15-5-2 Applicability of general permit rules

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 2. The requirements under this rule apply to all persons who:

- (1) do not obtain an individual NPDES permit under 327 IAC 15-2-6;
- (2) meet the general permit rule applicability requirements under 327 IAC 15-2-3; and
- (3) are involved in construction activity, which includes clearing, grading, excavation, and other land disturbing activities, except operations that result in the disturbance of less than five (5) acres of total land area and which are not part of a larger common plan of development or sale.

(Water Pollution Control Board; 327 IAC 15-5-2)

IAC 15-5-3 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Rule 5:
Construction
activity

Sec. 3. Facilities existing within the boundaries of the state of Indiana affected by this rule are regulated under this rule. (Water Pollution Control Board; 327 IAC 15-5-3)

327 IAC 15-5-4 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 4. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 1, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Agricultural land use" means use of land for the production of animal or plant life, including forestry, pasturing or yarding of livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

(2) "Erosion" means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

(3) "Erosion control measure" means a practice, or a combination of practices, to control erosion and resulting sedimentation and/or off-site damages.

(4) "Erosion control plan" means a written description and site plan of pertinent information concerning erosion control measures.

(5) "Land disturbing activity" means any manmade change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this rule, agricultural land disturbing activities, coal mining activities permitted by the DNR under IC 13-4.1, and active landfills permitted by the Indiana department of environmental management where the permit requires soil erosion control are excluded.

(6) "Nonagricultural land use" means commercial use of land for the manufacturing and wholesale or retail sale of goods or services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other land uses not included in agricultural land use.

(7) "Operator" means the person required to submit the NOI letter under this article, and required to comply with the terms of this rule.

(8) "Site" means the entire area included in the legal description of the land on which land disturbing activity is to be performed.

(Water Pollution Control Board; 327 IAC 15-5-4)

327 IAC 15-5-5 Additional NOI letter requirements

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted by the

operator with a NOI letter under this rule:

- (1) A brief description of the construction project, including, but not limited to, a statement of the total acreage of the site.
- (2) Estimated timetable for land disturbing activities and installation of erosion control measures.
- (3) Statement of the number of acres to be involved in land disturbing activities.
- (4) A written certification by the operator that:
 - (A) the erosion control measures included in the erosion control plan comply with the requirements under sections 7 and 9 of this rule and that the plan complies with applicable State, county, or local erosion control requirements;
 - (B) the erosion control measures will be implemented in accordance with the plan;
 - (C) verification that an appropriate state, county, or local erosion control authority and the soil and water conservation district office have been sent a copy of the plan for review; and
 - (D) verification that implementation of the erosion control plan will be conducted by personnel trained in erosion control practices.
- (5) Proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity under this rule is to commence.

(Water Pollution Control Board; 327 IAC 15-5-5)

327 IAC 15-5-6 Deadline for submittal of a NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner prior to the initiation of land disturbing activities. (Water Pollution Control Board; 327 IAC 15-5-6)

327 IAC 15-5-7 General conditions for construction activity erosion control measures

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) The operator shall develop an erosion control plan in accordance with the requirements under this section.

(b) The following requirements shall be met on all sites during the period when active land disturbing activities occur:

- (1) Sediment-laden water which otherwise would flow from the site shall be detained by erosion control practices appropriate to minimize sedimentation in the receiving stream. No storm water shall be discharged from the site in a manner

causing erosion in the receiving channel at the point of discharge.

(2) Appropriate measures shall be taken by the operator to minimize or eliminate wastes or unused building materials, including, but not limited to, garbage, debris, cleaning wastes, wastewater, and other substances from being carried from a site by runoff. Proper disposal or management of all wastes and unused building materials, appropriate to the nature of the waste or material, is required.

(3) Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance in addition to a well-planned layout of roads, access drives, and parking areas of sufficient width and length, or other appropriate measures.

(4) Public or private roadways shall be kept cleared of accumulated sediment. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be returned to the point of likely origin or other suitable location.

(5) All on-site storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards, and specification for that purpose.

(6) The following items apply during the time the construction activity is taking place:

(A) Storm water drainage from adjacent areas that naturally pass through the site shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel must be protected and/or improved to prevent erosion or sedimentation from occurring.

(B) Runoff from a disturbed area shall be controlled by one (1) or more of the following measures:

(i) Except as prevented by inclement weather conditions or other circumstances beyond the control of the operator, appropriate vegetative practices will be initiated within seven (7) days of the last land disturbing activity at the site regulated by this rule. Appropriate vegetative practices include, but are not limited to, seeding, sodding, mulching, covering, or by other equivalent erosion control measures.

(ii) The erosion control plan shall be implemented on disturbed areas within the construction site. The plan shall include erosion control measures as appropriate, such as, but not limited to, the following:

(AA) Sediment detention basins.

(BB) Sediment control practices, such as filter strips, diversions, straw bales, filter fences, inlet protection measures, slope minimization, phased construction, maximizing

tree coverage, temporary and permanent seeding of vegetation, mulching, and sodding.

All measures involving erosion control practices shall be designed and installed under the guidance of a qualified professional experienced in erosion control and following the specifications and criteria under this subsection. All other nonengineered erosion control measures involving vegetation should be installed according to accepted specifications and criteria under this subsection.

(c) During the period of construction activity at a site, all erosion control measures necessary to meet the requirements of this rule shall be maintained by the operator.

(d) All erosion control measures required to comply with this rule shall meet the design criteria, standards, and specifications for erosion control measures established by the department in guidance documents similar to, or as effective as, those outlined in the Indiana Handbook for Erosion Control in Developing Areas from the division of soil conservation, Indiana department of natural resources and the Field Office Technical Guide from the Soil Conservation Service. The erosion control plan shall include, but is not limited to, the following:

(1) A map of the site in adequate detail to show the site and adjacent areas, including the following:

(A) Site boundaries and adjacent lands which accurately portray the site location.

(B) Lakes, streams, channels, ditches, wetlands, and other water courses on and adjacent to the site.

(C) One hundred (100) year floodplains, floodway fringes, and floodways.

(D) Location of the predominant soil types, which may be determined by the United States Department of Agriculture, SCS County Soil Survey or an equivalent publication, or as determined by a certified professional soil scientist.

(E) Location and delineation of vegetative cover such as grass, weeds, brush, and trees.

(F) Location and approximate dimensions of storm water drainage systems and natural drainage patterns on, and immediately adjacent to, the site.

(G) Locations and approximate dimensions of utilities, structures, roads, highways, and paving.

(H) Site topography, both existing and planned, at a contour interval appropriate to indicate drainage patterns.

(I) Potential areas where point source discharges of storm water may enter ground water, if any.

(2) A plan of final site conditions on the same scale as the existing site map showing the site changes.

(3) A site construction plan shall include, but is not limited to, the following:

(A) Locations and approximate dimensions of all proposed land disturbing activities.

(B) Potential locations of soil stockpiles.

(C) Locations and approximate dimensions of all erosion control measures necessary to meet the requirements of this rule.

(D) Schedule of the anticipated initiation and completion dates of each land disturbing activity, including the installation of erosion control measures needed to meet the requirements of this rule.

(E) Provisions, including a schedule, for maintenance of the erosion control measures during construction.

(F) Where feasible, preserve vegetation that exists on the site prior to the initiation of land disturbing activities.

(Water Pollution Control Board; 327 IAC 15-5-7)

327 IAC 15-5-8 Project termination

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 8. (a) The operator shall plan an orderly and timely termination of the land disturbing activities which shall include the following:

(1) Allowing the installation of utility lines on the site, whenever practicable, prior to final land grading, seeding, and mulching of the site.

(2) Implementing erosion control measures which are to remain on the site.

(b) The commissioner may, subsequent to termination of a project, inspect the site to evaluate the adequacy of the remaining erosion control measures.

(c) Maintenance of the remaining erosion control measures shall be the responsibility of the occupier of the property after the operator has terminated land disturbing activities. (Water Pollution Control Board; 327 IAC 15-5-8)

327 IAC 15-5-9 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 9. The standard conditions for NPDES general permit rules under 327 IAC 15-4 shall apply to this rule. (Water Pollution Control Board; 327 IAC 15-5-9)

327 IAC 15-5-10 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 10. (a) The commissioner and/or designated representative may inspect any site involved in land disturbing activities regulated by this rule at reasonable times. The erosion control plan must be readily accessible for review at the time of the inspection.

(b) Any person violating any of the provisions of this rule shall be subject to enforcement and penalty under IC 13-7-10-5, IC 13-7-11, IC 13-7-12, 327 IAC 15-1-4 or any combination thereof.

(c) If maintenance of remaining erosion control measures are not properly maintained by the person operating the property, the commissioner may pursue enforcement against that person for correction of deficiencies under 327 IAC 15-1-4. (Water Pollution Control Board; 327 IAC 15-5-10)

327 IAC 15-5-11 Notification of completion

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 11. The operator shall notify the commissioner, in writing, upon completion of the construction activity. (Water Pollution Control Board; 327 IAC 15-5-11)

Rule 6. Storm Water Discharge Associated with Industrial Activity

327 IAC 15-6-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to establish requirements for point source discharges of storm water associated with industrial activity. Storm water discharges associated with construction activity are regulated under rule 5 of this article only. (Water Pollution Control Board; 327 IAC 15-6-1)

327 IAC 15-6-2 Applicability of the industrial activity general permit rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 2. The requirements under this rule apply to all persons who:

(1) are not prohibited from regulation under a NPDES general permit rule under 327 IAC 15-2-6;

(2) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; and

(3) have a new or existing point source discharge composed entirely of storm water associated with industrial activity, except for categories, in effect on February 12, 1992, of

facilities that have storm water effluent guidelines for at least one of their subcategories. These categories include:

- (A) Cement manufacturing (40 CFR 411);
- (B) Feedlots (40 CFR 412);
- (C) Fertilizer manufacturing (40 CFR 418);
- (D) Petroleum refining (40 CFR 419);
- (E) Phosphate manufacturing (40 CFR 422);
- (F) Steam electric power generation (40 CFR 423);
- (G) Coal mining (40 CFR 434);
- (H) Mineral mining and processing (40 CFR 436);
- (I) Ore mining and dressing (40 CFR 440); and
- (J) Asphalt (40 CFR 443).

If a facility is classified in one of the subcategories that have storm water effluent guidelines, an individual storm water permit application must be submitted.

(Water Pollution Control Board; 327 IAC 15-6-2)

327 IAC 15-6-3 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 3. Facilities existing within the boundaries of the state of Indiana affected by this rule are regulated under this rule.

(Water Pollution Control Board; 327 IAC 15-6-3)

327 IAC 15-6-4 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 4. In addition to the definitions contained in IC 13-7-1, IC 13-1-3-1.5, 327 IAC 5, and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Measurable storm event" means a precipitation event which results in a total measured precipitation accumulation equal to, or greater than, one-tenth (0.1) inch of rainfall.

(2) "Storm water discharge associated with industrial activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122, in effect on February 12, 1992. For the categories of industries identified in clauses (A) through (I), the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401, in effect on February 12, 1992); sites used for the storage and maintenance of material handling

equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in clause (J), the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. The following facility types are considered to be involved in industrial activity:

(A) Facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N as referenced in 327 IAC 5-12-3 (except facilities with toxic pollutant effluent standards which are exempted under clause (J)).

(B) Facilities classified under the following SIC codes:

- (i) 24 (lumber and wood products, except 2434-wood kitchen cabinets);
- (ii) 26 (paper and allied products, except 265-paperboard containers and boxes and 267);
- (iii) 28 (chemicals and allied products, except 283-drugs);
- (iv) 29 (petroleum and coal products);
- (v) 311 (leather tanning and finishing);
- (vi) 32 (stone, clay, and glass products, except 323-products of purchased glass);
- (vii) 33 (primary metal industries);
- (viii) 3441 (fabricated structural metal);
- (ix) 373 (ship and boat building and repairing).

(C) Mining operations classified as SIC codes:

- (i) 10 (metal mining);
- (ii) 11 (anthracite mining);
- (iii) 12 (coal mining);
- (iv) 13 (oil and gas extraction); and
- (v) 14 (nonmetallic minerals, except fuels).

(D) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA as

defined in IC 13-7-2-15.

(E) Landfills, land application sites, and open dumps that receive, or have received, any industrial wastes (waste that is received from any of the facilities described under this subdivision) including those that are subject to requirements under Subtitle D of RCRA as defined in IC 13-7-2-15.

(F) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junk yards, including, but not limited to, those classified as SIC codes:

- (i) 5015 (motor vehicles parts, used); and
- (ii) 5093 (scrap and waste materials).

(G) Steam electric power generating facilities, including coal handling sites.

(H) Transportation facilities classified as SIC codes:

- (i) 40 (railroad transportation);
- (ii) 41 (local and interurban passenger transit);
- (iii) 42 (trucking and warehousing, except 4221-25);
- (iv) 43 (United States Postal Service);
- (v) 44 (water transportation);
- (vi) 45 (transportation by air); and
- (vii) 5171 (petroleum bulk stations and terminals);

which have vehicle maintenance, solvent based industrial equipment cleaning, or airport de-icing areas. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), solvent based industrial equipment cleaning operations, airport de-icing operations, or which are otherwise identified under this subsection are associated with industrial activity.

(I) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one (1.0) million gallons per day or more, or that are required to have an approved pretreatment program under 40 CFR 403. Not included is farm land, domestic gardens, or land used for sludge management where sludge is beneficially reused, and which is not physically located in the confines of the facility or areas that are in compliance with the Federal Act.

(J) Facilities classified under the following SIC codes:

- (i) 20 (food and kindred products);
- (ii) 21 (tobacco products);
- (iii) 22 (textile mill products);
- (iv) 23 (apparel and other textile products);
- (v) 2434 (wood kitchen cabinets);

- (vii) 265 (paperboard containers and boxes);
- (viii) 267;
- (ix) 27 (printing and publishing);
- (x) 283 (drugs);
- (xi) 285 (paints, varnishes, lacquers, enamels, and allied products);
- (xii) 30 (rubber and miscellaneous plastic products);
- (xiii) 31 (leather and leather products, except 311);
- (xiv) 323 (products of purchased glass);
- (xv) 34 (fabricated metal products, except 3441);
- (xvi) 35 (industrial machinery and equipment);
- (xvii) 36 (electronic and other electric equipment);
- (xviii) 37 (transportation equipment, except 373);
- (xix) 38 (instruments and related products);
- (xx) 39 (miscellaneous manufacturing industries);
- (xxi) 4221 (farm product warehousing and storage);
- (xxii) 4222 (refrigerated warehousing and storage);
- (xxiii) 4223;
- (xxiv) 4224 (household goods warehousing and storage);
- (xxv) 4225 (general warehousing and storage)

which are not otherwise included under clauses (B) through (I) only need to apply for regulation under this rule when storm water is potentially exposed to industrial activity.

(Water Pollution Control Board; 327 IAC 15-6-4)

327 IAC 15-6-5 Additional NOI letter requirements under this rule
 Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
 Affected: IC 13-1-3; IC 13-7

Sec. 5. In addition to the NOI letter requirements under 327 IAC 15-3, the following information must be submitted with the NOI letter under this rule:

- (1) Name of responsible corporate officer and/or written authorization for an alternate person or position to act as the duly authorized representative for that person, if appropriate, who will be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3(g).
- (2) Identification of the number and location of each point source discharge of storm water associated with industrial activity and the corresponding industrial activity associated with the drainage area of each point source discharge.
- (3) Identification of substantially similar point source discharges of storm water on the site, and, if appropriate, the outfall to be monitored as representative of all such discharge points. Also, explain the rationale used to identify why certain point sources are similar.

(Water Pollution Control Board; 327 IAC 15-6-5)

327 IAC 15-6-6 Deadline for submittal of a NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 6. All information required under 327 IAC 15-3 and section 5 of this rule shall be submitted to the commissioner in accordance with 327 IAC 15-3-3, except, for persons that operate under 327 IAC 15-5 and that are affected by this rule, the NOI letter shall be submitted one hundred eighty (180) days before completion of construction. (Water Pollution Control Board; 327 IAC 15-6-6)

327 IAC 15-6-7 General conditions for storm water discharges associated with industrial activity

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) The person regulated under this rule shall develop a storm water pollution prevention plan which:

- (1) identifies potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility;
- (2) describes practices to be used in reducing the potential for pollutants to be exposed to storm water; and
- (3) assures compliance with the terms and conditions of this rule.

(b) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a plan shall contain the following:

- (1) A description of potential pollutant sources as follows:
 - (A) The plan must provide a description of areas on the site reasonably expected to be sources which add significant amounts of pollutants to storm water discharges such as areas used for the following:
 - (i) Loading or unloading of dry bulk materials or liquids.
 - (ii) Outdoor storage of raw materials, intermediary products, final products or waste products.
 - (iii) Outdoor process activities.
 - (iv) Dust or particulate generating processes.
 - (v) Unauthorized connections or management practices.
 - (vi) Waste disposal practices.
 - (vii) Areas upon which pesticides are applied.
 - (B) To provide such a description, the plan shall include, at a minimum, the following items:
 - (i) A site map indicating, at a minimum, the following:

- (AA) Each drainage and discharge conveyance and outline of the drainage area of each storm water outfall.
 - (BB) Paved areas and buildings within the drainage area of each discharge point.
 - (CC) Each past or present area used for outdoor storage or disposal of significant materials.
 - (DD) Each existing structural control measure to reduce pollutants in storm water run-off.
 - (EE) Materials loading and access areas.
 - (FF) Each hazardous waste treatment, storage or disposal facility, including each area not required to have a RCRA permit which is used for accumulating hazardous waste as defined in 327 IAC 5-1-2 under 40 CFR 262.34 as adopted in 329 IAC 3-14-3.
 - (GG) Each well where fluids from the facility are injected underground.
 - (HH) Springs and wetlands.
 - (II) Other surface water bodies.
 - (JJ) Soil types.
 - (KK) Existing and proposed underground storage tanks.
 - (LL) Snow dumping sites, if any.
- (ii) An estimate of the area of impervious surfaces, including paved areas and building roofs, relative to the total area drained by each outfall.
 - (iii) A topographic map, or other if a topographic map is unavailable, extending one-fourth (1/4) of a mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. This item may be included in the site map required under item (i).
 - (iv) A narrative description of the following:
 - (AA) Significant materials that in the three (3) years prior to the submittal of the NOI letter have been treated, stored, or disposed on-site in a manner to allow exposure to storm water.
 - (BB) Method of treatment, storage, or disposal.
 - (CC) Past and present materials management practices employed to minimize contact of these materials with storm water run-off.
 - (DD) Materials loading and access areas.
 - (EE) The location and description of existing structural and nonstructural control measures to reduce pollutants in storm water run-off.

(FF) A description of any treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge.

(v) A list of significant spills and leaks of toxic pollutants or hazardous substances as defined in 327 IAC 5-1-2 that occurred at the facility within three (3) years prior to the submittal of the NOI letter. Such list shall be updated within ninety (90) days from when a significant spill or leak of toxic pollutants or hazardous substances occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken.

(vi) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in storm water discharges associated with industrial activity.

(vii) A summary of existing sampling data describing pollutants in storm water discharges.

(2) The facility shall be operated and maintained in such a manner that exposure of storm water to potential sources of significant pollutant material is minimized. To accomplish such an operation and maintenance program, the person shall develop management controls of storm water discharge/run-off appropriate for the facility and implement such controls. The storm water management controls shall include, at a minimum, the following components:

(A) A risk identification/assessment and material inventory which evaluates the potential for various areas of the plant to contribute pollutants to the storm water discharge by exposing the storm water to industrial activity. Such assessment and inventory shall consider factors such as the following:

(i) An inventory of the types of materials handled, the location of material handling activities, and types of material management activities.

(ii) Identification of the toxicity of chemicals utilized at the facility as well as the quantity of such chemicals used, produced, or discharged.

(iii) A history of significant leaks or spills of pollutants known to have occurred.

(B) A preventative maintenance program which includes routine inspection and maintenance of storm water management devices.

(C) A spill prevention and response program which identifies areas where potential spills can occur and their accompanying drainage points, and that minimizes

the potential for spills to occur. The program shall include, at a minimum, procedures for the following:

- (i) Proper spill response and clean-up.
- (ii) Reporting a spill to the appropriate facility personnel and, if appropriate, local/state emergency response personnel.
- (iii) Routine maintenance and inspection of spill response/cleanup materials and equipment.

(D) An exposure reduction assessment which identifies the potential to eliminate/reduce storm water exposure in areas identified above as having a risk of exposing the storm water to significant pollutants and appropriate procedures to accomplish such elimination/reduction.

(E) A schedule for implementing procedures as identified under clause (D).

(F) Certify that storm water discharges from the site have been evaluated for the presence of non-storm water.

(c) General requirements of a storm water pollution prevention plan shall include the following:

(1) The plan shall be certified by a qualified professional.

(2) The plan shall be retained on-site and be available for review by a representative of the commissioner upon request.

(3) A schedule shall be included with the plan which allows for compliance with the terms of the plan on or before three hundred sixty-five (365) days after submission of the NOI letter, or, in the case of new facilities, prior to initiation of operation at the facility. The commissioner may grant an extension of this time frame based on a request by the person showing reasonable cause.

(4) The person regulated under this rule shall report once per quarter its progress in developing and implementing the plan. Once the plan is completed and implemented, the reports may cease. The reports shall be sent to:

Indiana Department of Environmental Management
Permits Section
Office of Water Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

(5) The person regulated under this rule shall amend the plan whenever there is a change in design, construction, operation, or maintenance at the facility, which may have a significant effect on the potential for the discharge of pollutants to surface waters of the state, or upon written notice by the commissioner that the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

(d) Monitoring and reporting requirements shall be as follows:
 (1) Each discharge outfall, or representative discharge outfall, composed entirely of storm water runoff, shall be monitored as follows:

Parameter	Units	Sample Type
Oil and grease	mg/l	grab
CBOD ₅	mg/l	grab and composite
COD	mg/l	grab and composite
TSS	mg/l	grab and composite
TKN	mg/l	grab and composite
T. phosphorous	mg/l	grab and composite
pH	s.u.	grab
Nitrate plus Nitrite		
Nitrogen	mg/l	grab and composite

(2) For those facilities subject to Federal Categorical Effluent Guidelines (40 CFR Subchapter N, in effect on February 12, 1992); Sara Title III facilities subject to report releases into the environment of chemicals which are classified as section 313 water priority chemicals used at the plant in the previous reporting year and which are reasonably expected to be in the discharge; or an individual NPDES permit for process discharge, those parameters required under these programs which are not listed in this subsection shall also be monitored and sampled by grab and composite, except cyanide, hexavalent chromium and volatile organic compounds, which shall be sampled by the grab sample method.

(3) Prior to implementation of the storm water pollution prevention plan, the person regulated under this rule shall sample and analyze the discharge from the outfall(s) regulated by this rule. During the second year of regulation under this rule, after implementation of the storm water pollution prevention plan, the person shall sample and analyze the discharge from the outfall(s) regulated under this rule for two (2) precipitation events. No further physical sampling is required unless the facility is notified to perform additional physical sampling by Indiana department of environmental management. During the third through the fifth year of regulation under this rule, visual inspections of each outfall or representative outfall as identified in the NOI letter shall be performed for two (2) storm events each year with results recorded and reported annually to the permits section. Visual inspections shall report the presence of turbidity, color, foam, solids, floatables, and an oil sheen.

(4) A grab sample shall consist of at least one hundred (100) milliliters collected during the first thirty (30) minutes, or as soon thereafter as practicable, of the discharge. The grab sample shall be analyzed separately from the composite sample.

A composite sample shall consist of a flow or time-weighted sample, either by the time interval between each aliquot or by the volume of aliquot proportionate to the discharge flow at the time of sampling or the total discharge flow since collection of the previous aliquot. A composite sample shall be taken during a minimum of the first three (3) hours of a storm event.

(5) There shall be a minimum of three (3) months between reported sampling events.

(6) Samples taken in compliance with the monitoring requirements under subdivision (4) shall be taken at a point representative of the discharge but prior to entry into surface waters of the state of Indiana or a municipal separate storm sewer.

(7) Sampling type for discharges from a retention basin with a minimum twenty-four (24) hour detention capacity, or, for coal mines, ten (10) hour detention, shall be a grab sample for all parameters. Such a grab shall be taken within the first thirty (30) minutes of discharge from the pond after initiation of a storm event.

(8) All samples shall be collected from a discharge resulting from a measurable storm event at least seventy-two (72) hours from the previous measurable storm event and, where feasible, where the duration and total precipitation does not exceed fifty percent (50%) from the average or median precipitation event in the area, as determined by the nearest United States National Weather Service Information Center. Documentation of weather conditions that prevent sampling as described in this subsection must be provided to the commissioner.

(9) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(c)(1).

(10) Samples and measurements taken as required under this subsection shall be representative of the volume and nature of the monitored discharge.

(e) Analysis shall be performed in accordance with 40 CFR 136, in effect on February 12, 1992, for quality assurance and quality control.

(f) Reporting requirements shall be as follows:

(1) All samples shall be reported as a value of concentration. Concentration is defined as the mass of any given material present in a unit volume of liquid. Unless otherwise indicated under this rule, concentration values shall be expressed in milligrams per liter.

requirements of this rule, the facility shall record the following information:

- (A) The exact place, date, and time of sampling.
- (B) The person who performed the sampling or measurements.
- (C) The dates the analyses were performed.
- (D) The person who performed the analyses.
- (E) The analytical techniques or methods used.
- (F) The results of all required analyses and measurements.

(3) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. In cases where the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:

- (A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or
- (B) as requested by the regional administrator or the Indiana department of environmental management.

(4) The person regulated under this rule shall submit an annual report to the Indiana department of environmental management containing results obtained during the previous year and shall be postmarked no later than the twenty-eighth day of January each year. The regional administrator may request the person to submit monitoring reports to the EPA if it is deemed necessary to assure compliance with the applicable general permit rule.

(5) Persons regulated under this rule who have a discharge regulated under this rule which enters a municipal separate storm sewer shall also submit a copy of the discharge monitoring report required under subsection (d) to the operator of the municipal system in accordance with the requirements under subsection (d).

(6) If the person regulated under this rule monitors any pollutant at the location designated in this section more frequently than required under this rule, using approved analytical methods as specified in this subsection, the results of such monitoring shall be reported as additional information in the annual report. Such increased frequency shall also be indicated in the report.

(Water Pollution Control Board; 327 IAC 15-6-7)

327 IAC 15-6-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1
Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule,

the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. (Water Pollution Control Board; 327 IAC 15-6-8)

327 IAC 15-6-9 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) The commissioner and/or designated representative may inspect any facility regulated under this rule at any time. The storm water pollution prevention plan and monitoring records must be available on-site for review by the commissioner.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalty as set forth under 327 IAC 15-1-4. (Water Pollution Control Board; 327 IAC 15-6-9)